REMARKS

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-14 are presently pending. Claims amended herein are 1-14. Claims cancelled herein are none. New claims added herein are none.

Herein, the "Action" or "Office Action" or "Office" refers to the Office Action dated March 14, 2003.

Prior Art Status of References

Applicant does not explicitly or implicitly admit that any reference is prior art. Nothing in this communication should be considered an acknowledgement, acceptance, or admission that any reference is considered prior art.

Independent Claims

Applicant amends claims 2-5, 8, and 11-14 so that they are now written in a clearly independent format.

Substantive Claim Rejections

Claim Rejections under §102

The Office rejects all pending claims under §102. For the reasons set forth below, the Office has not made out a *prima facie* case of anticipation (i.e., §102). Accordingly, Applicant respectfully requests that the rejections be withdrawn and the case be passed along to issuance.

The Office's rejections are based upon the following reference: **Lin**: *Lin et al.*, US Patent No. 6,421,748.

Anticipation Rejections

The §102 (Anticipation) Standard

In making out a §102 rejection, the Federal Circuit has stated that a reference anticipates a claim if it discloses every element of the claim. *See* Scripps Clinic & Res. Found. v. Genentech, Inc., 927 F.2d 1565, 1576 (Fed. Cir. 1991); Richard v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989).

Thus, anticipation is determined by "identify[ing] the elements of the claims, determin[ing] their meaning in light of the specification and prosecution history, and identify[ing] corresponding elements disclosed in the allegedly anticipating reference." Lindermann Maschinenfabrik GMBH v. American Hoist & Derrick Co., 730 F.2d 1452, 1458 (Fed. Cir. 1984).

Consequently, if any claimed element is missing from the allegedly anticipating reference, then anticipation is negated. Kloster Speedsteel AB v. Crucible Inc., 793 F.3d 1565, 1571 (Fed. Cir. 1987). Close is not enough.

Every element in the claim must exist in the allegedly anticipating reference for the §102 rejection to stand.

Based upon Lin

The Office rejects claims 1-14 under 35 USC § 102(e) as being anticipated by Lin. Applicant traverses this rejection.

Claim 1

The Office indicates that Lin discloses all of the features of this claim. Applicant submits that Lin does not.

Claim 1 recites, "a source-selection determiner configured to determine a source selected for a Mopy in a Mopy job *from multiple sources* on the MFD [emphasis added]."

On page 3 of the Action, the Office indicates that Lin discloses this and cites col. 2, lines 57-67 and col. 3, lines 1-8 for support. Applicant respectfully submits that Lin does not disclose, teach, or suggest "a source-selection determiner" as recited in claim 1. More particularly, Lin does not disclose, teach, or suggest such at col. 2, lines 57-67 and col. 3, lines 1-8.

Instead, Lin discloses a "listing and selecting interface 102" for "displaying all available *output* devices accessible in the network, such as printers, overhead projectors, viewers, and fax machines [emphasis added]." Applicant submits that Lin's interface for "displaying...*output* devices" is not a "source-selection determiner configured to determine a source." Rather, it appears to be the opposite.

At col. 3, lines 4-8, Lin discloses that the interface 102 may be used to "select any desired property for the document output, such as, paper size, resolution, number of copies, etc. [emphasis added]." The Office seems to

conclude that the selection of such properties infers that Lin must include the ability to select a source from multiple sources.

The Applicant submits that the ability to select document properties does not infer the ability to select from multiple sources. Instead, Lin's selection interface allows the selection of output properties and not, as is claimed, "determin[ation of] a *source* selected for a Mopy in a Mopy job."

Applicant submits that there is nothing disclosed in Lin indicating that a selection of a document property is equivalent to selection of a source amongst multiple sources. With Lin, the user is incapable of actually selecting a single source, it never discloses of the capability of selecting from multiple sources.

According to the above reasons, Applicant asks the Office to withdraw its rejections.

Claim 2

Claim 2 is allowable for the same reasons given for claim 1 above.

According to the above reasons, Applicant asks the Office to withdraw its rejections.

Claims 3-5

These claims are allowable for the same reasons given for claim 1 above.

According to the above reasons, Applicant asks the Office to withdraw its rejections.

Claims 6 - 8

These claims are allowable for the same reasons given for claim 1 above.

According to the above reasons, Applicant asks the Office to withdraw its rejections.

Claims 9-14

The Office indicates that these claims are of similar scope as claim 1 and therefore are rejected under the same rationale given for rejection of claim 1. If so, then Applicant submits that these claims are allowable for the same reasons given above for the allowability of claim 1.

According to the above reasons, Applicant asks the Office to withdraw its rejections.

Conclusion

All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that prevent issuance of this application, the Office is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

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By: _____

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